

WRIT PETITION NO.7854 OF 2003

Vs.

Union of India & Ors. ...Respondents

**CORAM :- B.H.MARLAPALLE &
NARESH H.PATIL,JJ.**

DATE :- 26TH SEPTEMBER,2006

P.C.

1. Heard Mr.Apte, the learned Counsel for the Petitioners, who were the original Applicants in Original Application No.92 of 1998, which has been dismissed by the Division Bench of the Central Administrative Tribunal at Bombay, vide its judgment and order dated 3rd May, 2002.

2.	The Petitioners had approached the Tribunal										
claiming	promotional		avenues		on		par		with		the
technical/scientific	staff		employed		in		the				Bhabha
Atomic	Research		Centre,		which		is		under		Atomic
Regulatory	Board,		Department		of				Atomic		Energy,
Government	of India.		It is		claimed		that		by an		order
dated	27th	October,		1983	the		Petitioners		and		all
staff	in		the Fire Fighting		Department				were		brought
under	the		scientific/technical		category		and		there		was
however	rationalisation		by an		order		dated		7th		May,

1984. They claimed that the technical/scientific staff was promoted every 3-4 years, whereas for Fireman-A to Fireman-B, the eligibility for promotional avenues was varying from 7 to 10 years and this was unfair and irrational. The Petitioners contended that they must be treated on par with technical/scientific staff in the Bhabha Atomic Research Centre for all the benefit including the promotional avenues.

2. The Respondents had filed their affidavit in reply and opposed the Petition. It was contended that the rationalisation did not mean that the staff of the Fire Fighting is treated on par with the scientific/technical staff in toto. The Tribunal, after hearing both the parties stated that the policy adopted by the Government of India with regard to only employee, the promotional avenues should be at least once in 9 years, so that in his entire career, he is eligible at least for 3 promotions and on assessment of the promotional avenues available to the Petitioners, the Tribunal noted that this policy adopted by the Government of India was duly made applicable in case of the Applicants as well. On the issue of the demand of the Petitioners, the Tribunal held that the posts of scientific/technical category carried different qualifications, experience and other eligible requirements, which cannot be compared with the qualifications and experience required for the staff in the Fire Fighting Department, though it was

also called technical/scientific department for rationalisation. In short, the Petitioners were seeking directions before the Tribunal for framing a new policy for promotions and claiming to be on par with the scientific/technical staff in the Bhabha Atomic Research Centre. This was not certainly within the powers of the Tribunal and the Tribunal rightly examined the promotional avenues available to the Petitioners keeping in view the policy decisions laid down by the Government of India and on the said issue the Tribunal has recorded its satisfaction.

3. Thus, the view taken by the Tribunal cannot be termed as perverse or patently erroneous to call for the interference under Article 226 and 227 of the Constitution of India.

4. The Petitioner is rejected summarily.

(NARESH H.PATIL,J.)

(B.H.MARLAPALLE,J.)